

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL CASE NO. 3:12-cr-88-003(DCB)(FKB)

WILLIE EARL CULLEY

DEFENDANT

ORDER

This cause is before the Court on the defendant Willie Earl Culley's Motion for Reconsideration of Sentence pursuant to Section 3553(e) and Section 994(n) under the Fair Sentencing Act (**docket entry 272**), and Motion to Reply to the Government's Response (**docket entries 296 and 297**). Having carefully reviewed the motions and the Government's Response, the Court finds as follows:

On July 9, 2013, the defendant was sentenced to serve 57 months in the custody of the Bureau of Prisons, followed by 4 years of supervised release. The defendant had previously pleaded guilty to Count 1 of the indictment that charged conspiracy to possess with intent to distribute more than 500 grams of a mixture or substance containing a detectable amount of cocaine hydrochloride. The conspiracy charge carried a minimum term of imprisonment of not less than 5 years and a maximum term of imprisonment of not more than 40 years.

The defendant received a sentence within the applicable guideline range and below the statutory mandatory minimum. The defendant is correct in stating that the Court has discretion in

which sentence to impose within the lower 25% of the U.S.S.G. Defendant's Motion, p. 4. The Court used its discretion to impose a sentence at the top of the guideline range, after an analysis of the factors found in 18 U.S.C. § 3553(a).

The Court has considered the defendant's Motion to Reply, which contains the defendant's Reply to the Government's Response, and finds no reason to depart from the sentence previously imposed. Therefore, the motion to reply is granted and the motion for reconsideration shall be denied.

Accordingly.

IT IS HEREBY ORDERED that the defendant's Motion to Reply to the Government's Response (**docket entries 296 and 297**) is granted, and the motion is construed as the defendant's reply;

FURTHER ORDERED that the defendant's Motion for Reconsideration of Sentence (**docket entry 272**) is denied.

SO ORDERED, this the 13th day of December, 2013.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE